

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 6, 2008**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

SUP-27870 – ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: MRA, LLC - Request for a Special Use Permit FOR A PROPOSED 4,344 SQUARE FOOT SUPPER CLUB IN CONJUNCTION WITH A PROPOSED NIGHTCLUB WITH A WAIVER TO ALLOW A 60-FOOT DISTANCE SEPARATION FROM A CHILD CARE FACILITY WHERE 400 FEET IS REQUIRED at 8991 West Sahara Avenue (APN 163-08-120-032), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

29

City Council Meeting

43

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

3

RECOMMENDATION:

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest and Support Postcards
7. Submitted after Meeting – Recordation Notice of Council Action and Conditions of Approval for Items 106 and 107
8. Backup Referenced from the 06-12-08 Planning Commission Meeting Item 28

Motion made by STEVE WOLFSON to Approve subject to conditions and adding the following conditions as read for the record:

- A. There shall be no persons of the public on the premises after 11:30 p.m., seven days a week.
- B. There shall be a one-year review at a public hearing of the City Council after issuance of the business license.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

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Minutes:

MAYOR GOODMAN declared the Public Hearing open for Items 106 and 107.

MINA ALFAFARA, 2300 Whispering Hills Circle, was present.

FRED SISTILLY, President of the Homeowners Association at the Lakes Business Park, thanked COUNCILMAN WOLFSON for holding a meeting in his office where they discussed the closing hour of 11:00 p.m., as well as a one-year review. COUNCILMAN WOLFSON thanked MR. SISTILLY and MS. ALFAFARA for meeting, and asked she was willing to accept the residents' request. MS. ALFAFARA replied that the residents were concerned about what would happen if she should sell the property and about the business hours. At this time, she has no intention of selling the property. Her understanding is that whoever takes over the property would have to go through the same process she did. The Planning Department faxed the information, which she faxed to MR. SISTILLY, who asked her to put it in writing that if she sells the property, the bar would not be included.

ASSISTANT CITY ATTORNEY BRYAN SCOTT clarified for COUNCILMAN WOLFSON that the Special Use Permit (SUP) runs with the land. If the applicant ceases operation in less than a year, the SUP for the nightclub and restaurant remain active. If more than a year, the new owners would have to apply for another SUP, as well as a new business license.

CAROL MEYER, Finance and Business Services, clarified the applicant would apply for a supper club license, which is a license that requires suitability investigation and Council approval. The SUP is separate and, if still active, does not require Council approval.

COUNCILMAN WOLFSON asked if the hours of restrictions run with the land. ASSISTANT CITY ATTORNEY SCOTT replied that whatever conditions are imposed on the property or business would run with the land.

COUNCILMAN WOLFSON asked MS. ALFAFARA if the closing hours of 11:00 p.m., seven nights a week, would be acceptable. MS. ALFAFARA replied no. The Councilman's dilemma is that the restaurant is located within a business park. This is not a Boca Park or Village Square, which is designed for retail and commercial with many restaurants. He is trying to balance his desire to have new business come in this area, and at the same time protect the quality of life for the adjacent residents. MS. ALFAFARA pointed out she also resides in the same neighborhood. Although he recognized that fact, the Councilman found it difficult to grant her request under the circumstances. The residents were very reasonable and asked for the closing time of 11:00 p.m. with a one-year review, and at the end of the year, possibly, extending to midnight.

MS. ALFAFARA replied that when she spoke with the residents, she had asked for the closing time of 2:00 a.m., and when the residents said no she asked for midnight, but the residents wanted 11:00 p.m. She pointed out that those offices within the business park closes at 5:00 p.m. COUNCILMAN WOLFSON asked for a compromise of 11:30 p.m. with a one-year review, and

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if there should be any calls for service, this will be brought to his attention before the one year review. He verified with MR. SISTILLY that that is acceptable.

MARGO WHEELER, Director of Planning and Development, verified with COUNCILMAN WOLFSON the closing hours of 11:30 p.m. and the one-year review at a public hearing after issuance of the business license.

MAYOR GOODMAN declared the Public Hearing closed for Items 106 and 107.

